

NEVADA STATE BOARD OF OPTOMETRY

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NOTICE OF INTENT TO ACT UPON REGULATIONS

Notice of Workshop and Hearing for the Adoption,
Amendment or Repeal of Regulations
Of
The Nevada State Board of Optometry

The Nevada State Board of Optometry will hold a workshop and public hearing in the Atlantis Voyager Room of the Airport Plaza Hotel & Conference Center, 1981 Terminal Way, Reno, on Friday, March 12th, 2004. The workshop will begin at 10:30 o'clock a.m. The hearing will commence immediately following the workshop. The purpose of the workshop and hearing is to receive comments from all interested persons regarding the adoption or amendment of regulations that pertain to Chapter 636 of the Nevada Administrative Code, pursuant to NRS 636.125.

The following information is provided pursuant to the requirements of NRS 233B.060 and 233B.0603:

1. The need for and purpose of the proposed regulation or amendment.

The purpose of the amendment to NAC 636.280 is to redefine the requirements, procedures and record keeping standards for optometrists currently certified to administer and prescribe pharmaceutical agents, to apply to the board for a certificate to treat persons diagnosed with glaucoma.

The purpose of the addition to Chapter 636 of NAC is to specifically define the requirements, procedures and record keeping standards for the release of contact lens prescriptions.

2. Either the terms or substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved.

The proposed amendment to NAC 636.280 requires the submission to the Board of a form, containing the notarized signatures of the optometrist and collaborating ophthalmologist providing proof the optometrist has treated, for a period of at least 12 consecutive months, 15 persons described in subsection 3 of NRS 636.2893. The amendment provides the optometrist shall retain a separate written form which contains the name, date of birth, dates of treatment and a synopsis of treatment

provided, which form must be retained and segregated from other office records for a period of not less than 5 years, and is subject to examination by the Board. The proposed amendment eliminates the requirement for optometric examinations at least every 4 months and provides for such examinations as are deemed necessary and prudent by the optometrist and the consulting ophthalmologist for a period of at least 12 consecutive months. The proposed amendment requires the optometrist to provide, to the consulting ophthalmologist, copies of written records of any optometric examination. The proposed amendment also eliminates the provision requiring the consulting ophthalmologist to notify the optometrist, within 30 days, whether the consulting ophthalmologist agrees with the proposed course of treatment.

The proposed addition to NAC 636 requires the release of a contact lens prescription, once the fitting process is complete. The proposed addition establishes parameters for the release of the prescription to both the patient and the patient's agent or representative. The proposed addition provides contingencies and record keeping requirements for instances where, in the judgment of the optometrist, the release of the prescription would not be medically sound. The addition addresses changes in fitting or dispensing of the lens if such changes are made by a source other than the treating optometrist. The addition provides if the contact lens fitting process has not been completed, the treating optometrist may release a prescription for only ophthalmic lens.

3. The estimated economic effect of these proposed regulatory changes on the business which it is to regulate and on the public.

(a) Adverse and beneficial effects.

The amendment of NAC 636.280 should have no economic effect on either the optometric professional or the public.

The addition to NAC 636 should have no economic effect on either the optometric profession or the public.

(b) Both immediate and long-term effects.

There should be no immediate or long-term effects.

4. The estimated cost to the Agency for the enforcement of the proposed regulatory changes.

There will be no cost to the agency.

5. A description and citation to any regulations of other state or local governmental agencies which the proposed regulator changes overlap or duplicate and a statement explaining why the duplication or overlapping is necessary.

The proposed regulatory changes do not overlap or duplicate any regulation of other state or local governmental entities.

6. If the regulation is required pursuant to federal law, a citation and description of the

federal law.

Does not apply.

- 7. If the regulations include provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Does not apply.

- 8. Whether proposed regulation establishes a new fee or increases an existing fee.**

Does not apply.

Persons wishing to comment on the proposed adoption, amendment, or repeal of these regulations may appear at the scheduled hearing or may address their comments, data, views, or arguments, in written form, to the Executive Director, Nevada State Board of Optometry, Post Office Box 1824, Carson City, Nevada 89702. Written submissions must be received by the board on or before five [5] days prior to the date set for the hearing. If no person directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Optometry may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended or repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended or repealed will be available at the office of the Nevada State Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada 89701, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of the regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of workshop and hearing has been posted at the following locations:

Carson City Courthouse - Carson City, Nevada
Office of the Nevada Attorney General - Reno, Nevada
Office of the Nevada Attorney General - Las Vegas, Nevada
Churchill County Library - Fallon, Nevada
Clark County Library - Las Vegas, Nevada
Elko County Library - Elko, Nevada
Esmerelda County Library - Goldfield, Nevada
Eureka Branch Library - Eureka, Nevada
Humboldt County Library - Winnemucca, Nevada
Lincoln County Library - Pioche, Nevada

Lyon County Library - Yerington, Nevada
Mineral County Library - Hawthorne, Nevada
Tonopah Public Library - Tonopah, Nevada
Pershing County Library - Lovelock, Nevada
Storey County Library - Virginia City, Nevada
Washoe County Library - Reno, Nevada
White Pine County Library - Ely, Nevada
Lander County Public Library - Battle Mountain, Nevada
Douglas County Library - Minden, Nevada

Dated this _____ day of February, 2004.

Judi D. Kennedy
Executive Director